

Message

From: Massie Hatch [massie.hatch@mshatch.com]
Sent: 6/1/2021 10:01:31 PM
To: Beckham, Lisa [BECKHAM.LISA@EPA.GOV]
CC: Chris Courtney [chris@courtneyconsultingllc.com]
Subject: New Pyrolysis Rubber Recycling Facility on Tribal Land, Near Oasis, CA

Flag: Follow up

Hi Lisa,

I hope you are doing well.

My team is assisting Courtney Consulting with air permit requirements for a proposed Pyrolysis Rubber Recycling Facility on Tribal Land, Near Oasis, CA. I believe Chris Courtney (copied here) reached out to you in March about this project and you provided very helpful information, shown below.

We are working on quantifying the emissions and identifying the applicable requirements. We are also putting together a list of questions to discuss with you at your convenience. There is a permit issued by the Missouri Department of Natural Resources in 2017 for a similar operation in Nodaway County, MO

(<https://dnr.mo.gov/env/apcp/permits/docs/marvillecsoln-2017cp2.pdf>.) We are requesting information from their permit files to assist with our emission calculations.

In the meantime, Courtney Consulting is also preparing the planning document for the proposed project as per the HEARTH Act of 2012. Are you familiar with documents prepared under this act? We are trying to confirm the air quality analyses and calculations (if any) that we need to include in the document. For typical NEPA/CEQA, we quantify criteria and GHG emissions from proposed construction and operational activities. It is not clear to us whether the same analyses would be required under the HEARTH Act of 2012 for projects on tribal lands. We would appreciate any guidance or examples you can provide. Thank you for your help.

EPA input:

1. Determine the POTENTIAL emissions (assuming the facility overrates continuously, 8760 hours/yr) of each of the pollutants subject to the preconstruction program on a TON PER YEAR basis:
 - a. Pollutants are listed here: <https://www.epa.gov/caa-permitting/tribal-minor-new-source-review-permitting-epas-pacific-southwest-region-9#thresholds>
 - b. We would also need information on air toxic emissions for our EJ analysis: dioxin/furans, benzene, HCl, styrene, and polycyclic aromatic hydrocarbons (PAHs)
2. When providing data on potential emissions, we need to know the test methods that were used to determine emissions.
 - a. EPA's test methods: <https://www.epa.gov/emc/emc-promulgated-test-methods>
 - b. The reason we need this information is because, to my knowledge, this equipment doesn't exist in the U.S., so we don't have any existing data to draw from. For example, when someone builds a power plant we have decades of emissions data based on EPA test methods and we have a high confidence in what we expect the emissions to be. In this case, we may be starting from scratch.
3. I recommend submitting a request for an applicability determination to the EPA to see whether any incineration regulations apply.
4. Once we determine the emissions, type of permit you need, and whether it is considered an incinerator, you will need to submit an application.

- a. <https://www.epa.gov/caa-permitting/tribal-minor-new-source-review-permitting-epas-pacific-southwest-region-9#instructions> At a minimum you will need, to submit the last one listed “New or Modified Minor Sources.”
- b. When it comes to completing an air permit application, it has some very technical aspects and for a facility like this, and you may want to consider hiring a consultant that is familiar with submitting such applications.

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